

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

SB 1892 - HB 1614

March 16, 2009

SUMMARY OF BILL: Prohibits sexual or violent sexual offenders from dropping off or picking up a child if the offender is the parent or legal guardian and from temporary presence on school grounds during school hours to make deliveries. Violation is a Class E felony and the offender is not eligible for suspension of sentence, diversion, or probation until the minimum sentence is served in its entirety.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$11,700/Incarceration*

Assumptions:

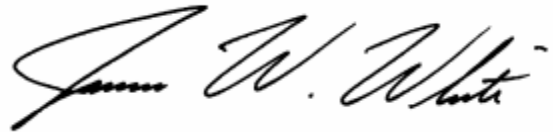
- Under current law, a sexual or violent sexual offender can be on school grounds to attend school events when their child is enrolled in the school and participating; to drop off or pick up their child; and to make deliveries. According to the Board of Probation and Parole, eliminating these exemptions could restrict employment opportunities for sexual or violent sexual offenders while on community supervision but the impact is estimated to be not significant.
- Eliminating these exemptions may result in an increase in violations. The Department of Correction (DOC) estimates one additional offender every three years will receive a Class E felony for these offenses.
- According to DOC, the average post-conviction time served for a Class E felony is 1.63 years. One Class E felony every three years with 594.45 days served. The annualized time served per conviction is 196.16 days (0.33 annual number of convictions x 594.45 days served). According to DOC, the average operating cost per offender per day for calendar year 2009 is \$59.80. The annualized cost per conviction is \$11,730.36 (\$59.80 x 196.16 days).
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. No significant incarceration cost increase will occur due to population growth in this period.

- Due to the small number of offenders, no recidivism discount has been applied for these offenses.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" and last name "White" clearly legible, and "W." in the middle.

James W. White, Executive Director

/lsc